

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/003556

International filing date (day/month/year)
16.08.2004

Priority date (day/month/year)
15.08.2003

International Patent Classification (IPC) or both national classification and IPC
F24C7/10, B60N3/16, A21B1/52, B60P3/025, A47J39/00

Applicant
HOTPODS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

von Mittelstaedt, A

Telephone No. +49 89 2399-8075



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/003556

IAP9 Rec'd PCT/PTO 15 FEB 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3, 18-20
	No: Claims	1-2, 4-17
Inventive step (IS)	Yes: Claims	3, 18-20
	No: Claims	1-2, 4-17
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

The following documents are referred to in this communication:

D1: US-A-5 505 122 (SMIT GERRIT) 9 April 1996 (1996-04-09)
D4: US-B-6 431 6281 (BELL JR RICHARD A) 13 August 2002 (2002-08-13)
D5: US-A-4 919 477 (BINGHAM LYNN R ET AL) 24 April 1990 (1990-04-24)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document) a convection oven for use in a vehicle. The oven has an air inlet, air outlet and an air feed conduit with electrically powered heater. Although it is not explicitly stated in document D1, it can be assumed that the device is suitable for reaching temperatures of 130°C. Therefore claim 1 is not new.

Should the device of document D1 not be capable of reaching such temperature regions, claim 1 still lacks an inventive step (Article 33(3) PCT) since vehicles with high temperatures are known in the state of the art. (See e.g. documents D4 or D5). Therefore for a person skilled in the art it would be an easy thing, to modify the oven of D1 in such a manner that temperatures of 130°C or higher can be achieved.

2. Apparently the dependent claims 2, 4-8 and 11-17 have no additional features that meet the requirements of the EPC in respect of novelty.
3. The supplementary features introduced by dependent claims 9 and 10 specify minor implementation details which do not add anything of inventive significance to the subject-matter of claim 1.

Re ITEM VII.

4. The independent claims are not in the two-part form in accordance with rule 6.3(b)(ii) PCT, with those features known from the prior art being placed in the preamble and with the remaining features in the characterising part of the claim.

5. The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 6.2(b) PCT). This applies to both the preamble and characterising portion.
6. In order to meet the requirements of rule 5.1(ii) PCT, documents D1, D2 and D4 as cited in the search report, should be mentioned in the description. The state of the art should briefly be summarized.